

Company fined after forklift truck fatality

A pallet transport company has been fined after a forklift driver was killed when his forklift overturned.

Mr Reginald Bacon was working as a forklift driver at Fortec Distribution Network Limited's pallet hub at Watling Park, Watford Village, Northamptonshire.

Northampton Magistrates' Court heard how on 13 October 2016, Mr Bacon was unloading goods from the trailer of a large goods vehicle (LGV) and whilst his forks were inside the trailer to remove a pallet, the LGV drove forward; this caused the forklift to tip over on its side. Mr Bacon was not wearing his seatbelt correctly and tried to jump clear from his truck but sustained fatal head injuries.

An investigation by the Health and Safety Executive (HSE) found that the company's risk assessment failed to identify the risk of an LGV driving away whilst being loaded or unloaded. The company also failed to recognise that the system of work being followed was different from its documented systems of work, including the monitoring and supervision of wearing seatbelts correctly when operating forklift trucks. The system being used for moving LGV's through their warehouse was unsafe.

Fortec Distribution Network Limited of Coronation Road, High Wycombe, Buckinghamshire, pleaded guilty to breaching Section 2(1) of Health and Safety at Work etc Act 1974 and was fined £107,000 and ordered to pay costs of £17,436.97.

Speaking after the hearing, HSE Principal Inspector Samantha Wells said "Dutyholders have a responsibility to devise safe methods of work, effectively risk assess and then provide this information, instruction and training to their workers.

"The safe methods of work should be monitored and supervised by those in control, to ensure those safe methods have been implemented and are being adhered to."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)

3. Specifically:-

a) HSE's webpages on workplace transport

<https://www.hse.gov.uk/workplacetransport/index.htm>

4. b) HSE publication L117 "Rider operated lift trucks, operator training and safe, Approved Code of Practice and guidance"

<http://www.hse.gov.uk/pubns/priced/l117.pdf>

5. c) HSE leaflet INDG457 "Use lift trucks safely, Advice for operators"

<http://www.hse.gov.uk/pubns/indg457.pdf>

6. HSE news releases are available at <http://press.hse.gov.uk>

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[Council fined after teacher assaulted by pupil](#)

Luton Borough Council has been sentenced today after a teacher was assaulted by a pupil.

Luton Crown Court heard how on 17 June 2016, the assistant head teacher at Putteridge High School was called to deal with a disruptive pupil who was refusing to go into a detention room. After clearing the classroom of the other pupils, the pupil launched a sustained assault on the teacher, using a mobile phone and inflicting life changing injuries.

An investigation by the Health and Safety Executive (HSE) found that there were significant shortcomings in relation to the measures at the school, regarding violence and aggression posed by the pupils to others. No effective consideration was given to the risk of injury or death posed by the pupils to others and measures were not taken to reduce that threat to as low as reasonably practicable.

Luton Borough Council did not ensure that the school had people with sufficient competence in the management of health and safety involved in running the school to ensure that the threat was addressed. The Council did not see to it that staff members at the school had the training either to remedy that shortcoming or to deal with violent and aggressive pupils in a way which did not expose them to risk. The council also failed to monitor the adequacy of the measures Putteridge High School had in place and the council therefore failed to pick up and address the shortcomings.

Luton Borough Council of Town Hall Upper George Street Luton pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £104,000 with £60,000 costs. The fine was reduced from £300,000 due to the Council's lack of revenue as a result of the coronavirus pandemic.

Her Honour Judge Mensah in sentencing said: “There is no doubt in my mind that this was a properly brought prosecution. Not to have brought a prosecution in this serious case would, apart from anything else, have sent a completely wrong message to the school, its governors, the staff and pupils, other local authorities with responsibilities under the Education Acts and to the public generally.

“This was a large organisation which, to a very large extent, relied on employees conducting the day to day running of the school as it could not, and did not, have complete control over the daily functioning of the school. However, I am satisfied that the systems that were in place were inadequate and oversight by the local authority was ‘light’ – I accept that no concerns were brought to the attention of the local authority but that equally, it does not appear that the local authority invited matters to be brought to its attention.”

Speaking after the hearing, HSE inspector Emma Page said: “In community schools, where the local authority is the employer, the local authority must monitor the arrangements it’s schools have in place to manage the risk from violence and aggression”.

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[Building contractor fined following dumper truck incident](#)

A building contractor has been fined after an employee suffered serious injuries when the forward tipping dumper truck that he was operating rolled over at a construction site in Windermere, Cumbria.

Barrow Magistrates’ Court heard that, on 5 June 2019, S M Dixon Building

Contractors Ltd had been working on the renovation of a detached property when the dumper truck, removing rubble over uneven ground, overturned resulting in multiple fractures to vertebrae in the worker's back

An investigation by the Health and Safety Executive (HSE) found that the employee had not received adequate training on how to operate the forward tipping dumper truck, including not being clearly instructed to always wear the seat belt when operating the machine. This led to the dumper overturning and the employee being ejected from the dumper and crushed.

S M Dixon Building Contractors Limited, 25 Main Street, Staveley, Kendal pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc Act 1974. The company was fined £10,000 and ordered to pay costs of £4,087.24.

Speaking after the hearing, HSE inspector Michael Griffiths commented: "The injuries sustained by the worker were life changing and he could easily have been killed.

"This incident could have been avoided if measures were in place to ensure the dumper truck was operated safely through the provision of appropriate training and supervision."

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[Metal pressings manufacturing company fined after worker was struck by a](#)

[forklift truck](#)

G-Tekt Europe Manufacturing Limited, a company that manufactures metal pressings and sub-assemblies for the automotive industry, has been fined after a worker was struck by a forklift truck and suffered a serious brain injury.

Newport Magistrates' Court heard how, on 23 November 2018, a worker needed to be placed in an induced coma after a forklift truck struck him at a premises in Crown Business Park, Dukestown, Tredegar.

An investigation by the Health and Safety Executive (HSE) found that there was inadequate control of workplace transport risks. This included lack of segregation between vehicles and pedestrians, no safe pedestrian crossings where vehicle and pedestrian routes crossed and insufficient safety signage to highlight hazards.

G-Tekt Europe Manufacturing Limited of Gloucester Business Park, Golf Club Lane, Brockworth, Gloucester was found guilty of breaching Section 4(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and was fined £525,000 and ordered to pay costs of £8,014.40.

Speaking after the case, HSE inspector, Sian Donne said: "Failure to ensure that workplace transport is managed safely is a serious breach of fundamental health and safety duties."

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MoD accepts Crown Censure over fatal diving incident

The Ministry of Defence (MoD) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after a military diver died during training.

On 14 November 2018, 26-year-old Marine Benjamin McQueen was brought back to surface after he became separated from other divers. He was sadly pronounced dead after CPR was performed.

He had been involved in a maritime training exercise when the incident occurred in Portland Harbour.

HSE served two Crown Improvement Notices on 25 February 2019 relating to the failure to conduct suitable and sufficient risk assessments for the exercise. MoD rectified these issues by 12 March 2019.

Nick Deppe, an HSE inspector who specialises in diving, said: "This was a tragedy for all concerned, however just like any other employer, the MoD has a responsibility to reduce dangers to its personnel, as far as they properly can. The scenario of a diver becoming separated is a very real risk that needs to be managed."

By accepting the Crown Censure, the MoD has acknowledged that but for crown immunity, there was sufficient evidence to provide a realistic prospect of conviction for breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

Notes to Editors:

1. As a Government body, the MoD cannot face prosecution in the same way as private or commercial organisations this is known as Crown Immunity.
2. Section 2(1) of the Health and Safety at Work etc. Act 1974, states that: "*It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees*".
3. There is no financial penalty associated with a Crown Censure.
4. More information on Crown Censures can be found here: <http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm>^[1]
5. The [Code for Crown Prosecutors](#)^[2] sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its [enforcement policy statement](#)^[3].

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